

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15248 of 2023**

Arising Out of PS. Case No.-195 Year-2021 Thana- BAKHTIYARPUR District- Patna

BIPAT KUMAR @ ASHOK KUMAR, aged about 46 years (Male), S/O  
GAURI SHANKAR RAY, R/v- Teha Bigha, P.S.- Bakhtiarpur, District- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner : Mrs. Vaishnavi Singh, Advocate  
For the Opposite Party : Mr. Dr. Ajeet Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      01-05-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No. 195 of 2021 registered for the offence under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case, in brief, is that the petitioner alongwith other co-accused persons armed with deadly weapons surrounded the informant and his brother. Thereafter, co-accused namely, Praduman Kumar and Bhola caught hold his brother and Devgan Rai fired upon his brother with pistol and due to which, his brother died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.12.2022. He has falsely



been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no chance of trial being concluded in near future. As per prosecution, the petitioner is said to be the member of unlawful assembly. No specific overt act is alleged against the petitioner. Except for this, there is no substantive evidence to suggest the participation of the petitioner in the present case. Specific allegation of assault is against co-accused, namely, Devgan Rai.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 195 of 2021.

**(Sudhir Singh, J)**

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